

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MITCHELL KEITH GOODRUM,

Plaintiff

v.

STATE OF NEVADA, et al.,

Defendants

Case No.: 3:22-cv-00220-ART-CSD

**Report & Recommendation of
United States Magistrate Judge**

This Report and Recommendation is made to the Honorable Anne R. Traum, United States District Judge. The action was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and the Local Rules of Practice, LR 1B 1-4.

Plaintiff filed a motion for leave to move his case from the Tenth Judicial District Court to the U.S. District Court. (ECF No. 1-1.)¹ The court issued an order on May 13, 2022, advising Plaintiff that he may not remove his own civil action from state court; instead, a *defendant* may remove a civil action from state court by filing a notice of removal in the U.S. District Court. 28 U.S.C. § 1446. As such, the court denied Plaintiff's motion. (ECF No. 3.) Insofar as Plaintiff had voluntarily dismissed his case in the Tenth Judicial District and sought to file it in federal court, the court ordered him to file a completed application to proceed *in forma pauperis* (IFP) for an inmate or pay the filing fee. The court gave Plaintiff until June 3, 2022, to file his completed IFP application or pay the filing fee. The court advised that once he had done so, it would review his proposed amended complaint. Plaintiff was cautioned that a failure to timely file a completed

¹ Plaintiff initiated another case with a similar motion in 3:22-cv-00202-ART-CSD. In that case, Plaintiff just filed a motion to withdraw his action with prejudice.

1 IFP application or pay the filing fee would result in a recommendation for dismissal of this
2 action without prejudice.

3 Plaintiff did not timely file a completed IFP application or pay the filing fee; therefore,
4 this action should be dismissed without prejudice.

5 **III. RECOMMENDATION**

6 IT IS HEREBY RECOMMENDED that the District Judge enter an order **DISMISSING**
7 this action **WITHOUT PREJUDICE**.

8 Plaintiff should be aware of the following:

9 1. That he may file, pursuant to 28 U.S.C. § 636(b)(1)(C), specific written objections to
10 this Report and Recommendation within fourteen days of being served with a copy of the Report
11 and Recommendation. These objections should be titled "Objections to Magistrate Judge's
12 Report and Recommendation" and should be accompanied by points and authorities for
13 consideration by the district judge.

14 2. That this Report and Recommendation is not an appealable order and that any notice of
15 appeal pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure should not be filed
16 until entry of judgment by the district court.

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18 Dated: June 8, 2022

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21 Craig S. Denney
22 United States Magistrate Judge
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